

REMARKS

Reconsideration and allowance of the above identified patent application are hereby requested. Claims 9, 11-13, 15, 17-18, 27, 29-31, 33, and 35-36 are now in the application with claims 9 and 27 being independent. Claims 37-46 have been withdrawn from consideration. The Applicants respectfully traverse the Office's rejections.

Rejection Under 35 U.S.C. §101

Claims 9, 11-13, 15, 17-18, 27, 29-31, 33, and 35-36 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. This contention is respectfully traversed.

Independent claim 9 recites (underlining added for emphasis) "A computer implemented method of associating information received from a server with an object, comprising: locating a start identifier and an end identifier in the information received from the server, wherein the end identifier corresponds to the start identifier; identifying a first object associated with at least one of the start identifier and the end identifier, wherein the first object comprises server side code; and associating an item of information appearing between the start identifier and the end identifier with the first object." As such, the subject matter of claim 9 is clearly within the enumerated categories of patentable subject matter recited in §101 (process, machine, manufacture, or composition of matter). Further, claim 9 describes a computer-implemented method that manipulates data associated with physical objects and activities in the real world to achieve a practical application – associating server side code with information received from a server.

Similarly, independent claim 27 recites (underlining added for emphasis) "A computer program product comprising a computer useable medium having computer readable program code embodied therein for associating information received from a server with an object, the computer program product comprising computer readable program code devices configured to cause a computer to: locate a start identifier and an end identifier in the information received from the server, wherein the end identifier corresponds to the start identifier; identify a first object associated with at least one of the start identifier and the end identifier, wherein the first

object comprises server side code; and associate an item of information appearing between the start identifier and the end identifier with the first object.” As such, the subject matter of claim 27 also is within the enumerated categories of patentable subject matter recited in §101. Further, claim 27 describes a computer program product configured to manipulate data associated with real world physical objects and activities to achieve a practical application – namely, associating server side code with information received from a server.

The result produced by claims 9 and 27 – associating server side code with information received from a server – is useful, concrete, and tangible. For example, the specification (page 9, line 21 – page 10, line 5) discloses (underlining added for emphasis) “The method and system associates information received from a server with one or more objects by locating a pair of identifiers and associating the information between the pair [of] identifiers with one or more objects corresponding to the pair of identifiers, for example by matching one or more object identifiers in the identifiers with an object identifier of the object.” Thus, information received from a separate entity, a server, is associated with an object based on at least one of a start identifier and an end identifier included in the information received from the server. Therefore, a tangible association is formed by the claimed method and system.

Moreover, the guidelines for 35 U.S.C. §101 (United States Patent and Trademark Office OG Notice of November 22, 2005) provide (underlining added for emphasis) “Accordingly, a complete definition of the scope of 35 U.S.C. Sec. 101, reflecting Congressional intent, is that any new and useful process, machine, manufacture or composition of matter under the sun that is made by man is the proper subject matter of a patent.” Therefore, in view of these remarks, the Applicant respectfully requests withdrawal of the rejection of these claims under §101.

Rejection Under 35 U.S.C. §112

Claims 9, 11-13, 15, 17-18, 27, 29-31, 33, and 35-36 stand rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. The Office asserts (Action of December 11, 2006, page 4) “In claims 9 and 27, there is no support in the specification for ‘identifying a first object associated with at least one of the start identifier and the end identifier, wherein the first object comprises server side code’.”

As discussed above, the specification (page 9, line 21 – page 10, line 8) discloses (underlining added for emphasis) “The method and system associates information received from a server with one or more objects by locating a pair of identifiers and associating the information between the pair of identifiers with one or more objects corresponding to the pair of identifiers, for example by matching one or more object identifiers in the identifiers with an object identifier of the object....Such objects with which the information is associated may correspond to server side code.” Thus, the specification discloses that an object, such as the claimed first object, can comprise server side code. Further, the specification discloses that an object can correspond to a pair of identifiers.

The specification also discloses that the pair of identifiers can include a start identifier and an end identifier. For example, the specification (page 9, lines 12-16) discloses (underlining added for emphasis) “A system and method surrounds each object of a first type, for example, server side code, in a set of objects with a pair of identifiers, such as identifiers that are returned unchanged by a processing system, for example, HTML tags.” Additionally, the specification (page 26, lines 3-18) discloses (underlining added for emphasis):

“Each time tagger 246 generates the source code for a server side code object containing a block of server side code, it adds to the specially tagged file a special tag before the beginning and after the end of the block to allow the result of the server side code to be identified as a server side code result and to allow the location in the tagged file to be matched to the location in the result as described in more detail below. In one embodiment, the special tag is an HTML comment containing characters that a user would unlikely use as their own comment (in order to distinguish the special tags from user-supplied comments) and a number used as an identifier of the special tag, beginning with zero, such as <!-- MMDW 0 -->. The identifier is incremented for each special tag added by tagger 246 to ensure each special tag has its own unique identifier.”

Therefore, the specification provides support for the subject matter recited in each element of claims 9 and 27, including identifying a first object associated with at least one of the start identifier and the end identifier, wherein the first object comprises server side code.

Additionally, the Office (Action of December 11, 2006, page 4) asserts that (underlining added for emphasis) “Claims 9 and 27 recite the limitation ‘the first object’ in lines 8 and 10,

respectively. There is insufficient antecedent basis for this limitation in the claim.” However, proper antecedent basis for the term “the first object” is found in both claim 9 and claim 27.

Claim 9 recites (underlining added for emphasis) “A computer implemented method of associating information received from a server with an object, comprising: locating a start identifier and an end identifier in the information received from the server, wherein the end identifier corresponds to the start identifier; identifying a first object associated with at least one of the start identifier and the end identifier, wherein the first object comprises server side code; and associating an item of information appearing between the start identifier and the end identifier with the first object.” Thus, the term “a first object” appearing in line 5 of claim 9 provides antecedent basis for the term “the first object” appearing in line 8.

Further, claim 27 recites (underlining added for emphasis) “A computer program product comprising a computer useable medium having computer readable program code embodied therein for associating information received from a server with an object, the computer program product comprising computer readable program code devices configured to cause a computer to: locate a start identifier and an end identifier in the information received from the server, wherein the end identifier corresponds to the start identifier; identify a first object associated with at least one of the start identifier and the end identifier, wherein the first object comprises server side code; and associate an item of information appearing between the start identifier and the end identifier with the first object.” Thus, the term “a first object” appearing in line 7 of claim 27 provides antecedent basis for the term “the first object” appearing in line 10. Therefore, withdrawal of the rejection under 35 U.S.C. §112, first paragraph is respectfully requested.

Rejection Under 35 U.S.C. §102

Claims 9, 11-12, 15, 17-18, 27, 29-30, 33, and 35-36 stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by U.S. Patent No. 6,990,653 to Burd et al. It is noted that the paragraph heading and the quotation indicate that these claims are rejected under 35 U.S.C. §103. However, paragraph 7. indicates that the claims are rejected under 35 U.S.C. §102(a). (See Action of December 11, 2006, page 4.) It is not conceded that Burd et al. is a proper anticipatory reference under 35 U.S.C. §102(a). For the sake of expedience, however, the Office's rejections based on Burd et al. are respectfully traversed.

CLAIM 9

Claim 9 recites (underlining added for emphasis) “A computer implemented method of associating information received from a server with an object, comprising: locating a start identifier and an end identifier in the information received from the server, wherein the end identifier corresponds to the start identifier; identifying a first object associated with at least one of the start identifier and the end identifier, wherein the first object comprises server side code; and associating an item of information appearing between the start identifier and the end identifier with the first object.”

The Office (Action of December 11, 2006, page 5) cites to Burd et al. Col. 3, lines 1-40, Col. 8, lines 24-57, and Fig. 4 in its rejection of claim 9. Burd et al. fail to disclose all of the claimed subject matter.

Burd et al. is directed to class creation at a server. For example, Burd et al. (Col. 3, lines 12-18) disclose (underlining added for emphasis) “In accordance with preferred aspects, the present invention relates to a method of creating a class in a server computer system memory. The class is used by the server computer system to create server-side objects for dynamically rendering web page content and the web page content is delivered to a client-side computer system and displayed as a web page on the client computer system.” Further, Burd et al. (Col. 3, lines 21-30) disclose (underlining added for emphasis) “The server computer creates a data model to store elements of the dynamic web page content file,...and generates a source code file related to the dynamic web page content file...the source code file is compiled to create a class memory. The process generally ends with the return of a class reference to the server computer system...” Additionally, Burd et al. (Col. 3, lines 39-42) discloses (underlining added for emphasis) “Once the class is located, the server computer system instantiates server side processing objects from that class to dynamically generate web page content.” Thus, Burd et al. teach processing information on a server computer system. Burd et al. do not, however, disclose locating a start identifier and an end identifier in the information received from the server, wherein the end identifier corresponds to the start identifier, as is claimed.

Further, Burd et al. do not disclose identifying a first object associated with at least one of the start identifier and the end identifier, wherein the first object comprises server side code.

Burd et al. (Col. 3, lines 1-40) teach that a class is created in a server computer system memory and is used by the server computer to create server-side objects for dynamically rendering web page content. Further, (*Id.*) the dynamically rendered content is delivered to a client-side computer system and displayed as a web page. With the exception of requesting and displaying, Burd et al. (*Id.*) do not disclose any processing performed at the client-side computer system. Therefore, Burd et al. do not disclose the claimed identifying a first object associated with at least one of the start identifier and the end identifier located in information received from a server, wherein the first object comprises server side code.

Burd et al. (Col. 8, lines 24-57) also disclose an exemplary dynamic content file. For example, Burd et al. (Col. 8, lines 22-26) state (underlining added for emphasis) “Each declaration provides instructions to the page factory module 308 that reads the file 400, creates the class, invokes the appropriate server-side control objects which ultimately render HTML code or any other authoring language for transmission to the client in an HTTP response.” Thus, Burd et al. teach that creating the class occurs at the server computer using the dynamic content file and that code is rendered for transmission to the client.

Burd et al. (Col. 6, lines 46-49) further disclose (underlining added for emphasis) “FIG. 3 illustrates exemplary modules in a web server used in an embodiment of the present invention. The web server 300 receives an HTTP request 302 into the HTTP pipeline 304.” Additionally, Burd et al. (Col. 6, lines 52-57) disclose (underlining added for emphasis) “Each incoming HTTP request 302 received by the web server 300 is ultimately processed by a specific instance of an Interface Handler;...The handler 306 resolves the URL request and invokes an appropriate handler factory (e.g., a page factory module 308).” Thus, Burd et al. teach that the page factory module of the web server performs the functions disclosed at Col. 8, lines 24-57. Therefore, Burd et al. does not disclose locating a start identifier and an end identifier in the information received from the server, wherein the end identifier corresponds to the start identifier, as is claimed.

Further, Burd et al. (Col. 8, lines 27-36) disclose that a page file includes a directive used to determine “characteristics such as buffering semantics, session state requirements, error handling schemes, scripting languages, transaction semantics, and import directions.” Including a directive in a page file is not equivalent to identifying a first object associated with at least one

of the start identifier and the end identifier, wherein the first object comprises server side code, and associating an item of information appearing between the start identifier and the end identifier with the first object.

Burd et al. (Col. 8, lines 37-44) also disclose that HTML tags are (underlining added for emphasis) “written to the source code file as a literal text such that no additional processing takes place on the information in order to render the resulting HTML code other than a straightforward ‘write’ command.” Burd et al. do not teach associating an object with either of the HTML tags. Thus, merely including HTML tags also is not equivalent to identifying a first object associated with at least one of the start identifier and the end identifier, wherein the first object comprises server side code, and associating an item of information appearing between the start identifier and the end identifier with the first object.

Additionally, Burd et al. (Col. 8, lines 45-57) disclose that (underlining added for emphasis) “A code declaration block is located at line 3-10 of the file 400. Generally, code declaration blocks define page objects and control object member variables and methods that are executed on the server.” Burd et al. (*Id.*) also disclose “In an embodiment of the present invention, code declaration blocks are defined using <script> tags that contain a ‘runat’ attribute having a value set to ‘server’.” Use of a code declaration block also is not equivalent to identifying a first object associated with at least one of the start identifier and the end identifier, wherein the first object comprises server side code, and associating an item of information appearing between the start identifier and the end identifier with the first object. Therefore, Burd et al. fail to disclose, teach, or suggest all of the claimed subject matter.

For at least these reasons, claim 9 is allowable over Burd et al. Claims 11-13, 15, and 17-18 depend from claim 9. Therefore, dependent claims 11-13, 15, and 17-18 are allowable for at least the reasons discussed with respect to claim 9.

CLAIM 27

Claim 27 includes elements similar to those contained in claim 9. For example, claim 27 recites (underlining added for emphasis) “... locate a start identifier and an end identifier in the information received from the server, wherein the end identifier corresponds to the start identifier; identify a first object associated with at least one of the start identifier and the end

identifier, wherein the first object comprises server side code; and associate an item of information appearing between the start identifier and the end identifier with the first object.”

Therefore, claim 27 is allowable for at least the reasons discussed with respect to claim 9.

Additionally, claims 29-31, 33, and 35-36 depend from claim 27. Therefore, claims 29-31, 33, and 35-36 are at least allowable based on claim 27.

Rejection Under 35 U.S.C. §103

Claims 13 and 31 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Burd et al. These rejections are respectfully traversed.

Claim 13 recites (underlining added for emphasis) “...the start identifier comprises an even number and the end identifier comprises an odd number, wherein the value of the end identifier is greater than the value of the start identifier.”

The Office (Action of December 11, 2006, page 7) concedes (underlining added for emphasis) “As to claim 13, Burd is silent in teaching wherein the start identifier comprises an even number and the end identifier comprises an odd number, wherein the value of the end identifier is greater than the value of the start identifier.” Nonetheless, the Office (*Id.*) asserts (underlining added for emphasis) “However, it would be obvious to compare an even number such as 0 and an odd number such as 1 because it could be used to determine when certain actions are to take place and when they are not to take place, thus increasing control of the system.” Further, the Office indicates that claim 31 is rejected for the same reasons.

The Office does not state that it is taking Official Notice regarding the start identifier comprising an even number and the end identifier comprising an odd number, wherein the value of the end identifier is greater than the value of the start identifier. Nonetheless, taking Official Notice with respect to claim 13 would be inappropriate because the subject matter is not capable of instant and unquestionable demonstration as being well-known. MPEP §2144.03 A. states (underlining added for emphasis):

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some

reference work recognized as standard in the pertinent art. *In re Ahlert*, 424 F.2d at 1091, 165 USPQ at 420-21.

Further, MPEP §2144.03 B. states:

If Official Notice Is Taken of a Fact, Unsupported by Documentary Evidence, the Technical Line of Reasoning Underlying a Decision To Take Such Notice Must Be Clear and Unmistakable

Ordinarily, there must be some form of evidence in the record to support an assertion of common knowledge. See *Lee*, 277 F.3d at 1344-45, 61 USPQ2d at 1434-35 (Fed. Cir. 2002); *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (holding that general conclusions concerning what is "basic knowledge" or "common sense" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings will not support an obviousness rejection).

The Office does not provide an adequate technical line of reasoning, as required when taking Official Notice without documentary support. For example, the Office does not provide any support for the assertion that including a start identifier comprising an even number and an end identifier comprising an odd number would facilitate determining when certain actions are to take place and when they are not to take place, thus increasing control of the system. The Office also does not indicate how this result would be achieved or that such a practice was well-known.

Moreover, the motivation advanced by the Office (Action of December 11, 2006, page 7) for combining the numbering of identifiers with Burd et al. – namely determining when certain actions are to take place and when they are not to take place, thus increasing control of the system – is improper and unrelated to the associating function disclosed in the present application. The nature of the actions referred to by the Office is unclear to the undersigned. It also is unclear to the undersigned how identifier numbering is to be used in Burd et al. to determine when certain actions are to take place and when they are not to take place.

In contrast, the specification (page 34, lines 8-13) states (underlining added for emphasis) “Referring now to Figure 5, a method of associating certain server side code results with a portion of the source code used to generate the results is shown according to one embodiment of the present invention. After the method begins 506, the first tag in the server side code results is selected 508.” The specification (page 36, lines 4-20) further discloses (underlining added for emphasis):

“...the method continues at step 534, where the next tag in the server side code results file is located and a determination is made whether the identifier for the tag is odd-numbered and greater than the even numbered tag determined in step 514. If the tag located does not have an identifier that is odd-numbered and greater than such even-numbered tag, the method continues at step 532, and otherwise, all of the results from the server side code results between the even numbered selected tag...is associated 538 with the object corresponding to the server side code results having the even-numbered tag..., along with an identifier of the odd numbered tag.”

Therefore, the subject matter of claim 13 is patentable over the identified combination of Burd et al. and the asserted technical facts.

Claim 31 includes elements similar to those contained in claim 13. For example, claim 31 recites (underlining added for emphasis) "...wherein the start identifier comprises an even number and the end identifier comprises an odd number, wherein the value of the end identifier is greater than the value of the start identifier.” Therefore, claim 31 is allowable for at least the reasons discussed with respect to claim 13.

Concluding Comments

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

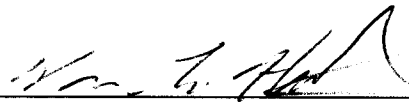
Applicant : Sho Kuwamoto, et al.
Serial No. : 09/875,549
Filed : June 6, 2001
Page : 18 of 18

Attorney's Docket No.: 07844-731001 / M142

In view of the above remarks, claims 9, 11-13, 15, 17-18, 27, 29-31, 33, and 35-36 should be in condition for allowance, and a formal notice of allowance is respectfully requested. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: February 12, 2007



William E. Hunter
Reg. No. 47,671

Fish & Richardson P.C.
PTO Customer No. 21876
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10707773.doc